

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Long Beach Department of Public Works for an order authorizing the construction of a pedestrian grade crossing on Long Beach Boulevard at 12th Street across the northbound and southbound LRT tracks of the Los Angeles-Long Beach Blue Line in the City of Long Beach.

Application 03-04-034
(Filed April 3, 2003;
Supplement filed March 19,
2004)

O P I N I O N**Summary**

This decision grants the City of Long Beach Department of Public Works (City) request to construct an at-grade pedestrian-rail crossing (crossing) on Long Beach Boulevard at 12th Street. The pedestrian crossing will intersect the northbound and southbound light rail transit (LRT) tracks of Los Angeles County Metropolitan Transportation Authority's (MTA) Los Angeles to Long Beach Metro Blue Line (Blue Line) in Long Beach, Los Angeles County.

Discussion

City proposes to construct a crossing across MTA's Blue Line LRT tracks to provide pedestrian access to the southern entrance of the Blue Line Anaheim Station. There is an existing station entrance on the north side of the station. City filed this application to convert the existing emergency exit, which pedestrians are illegally using to access residences and business on the south side of the station to a legal pedestrian crossing with warning devices. The station is

located in the center of Long Beach Boulevard between Anaheim Street and 12th Street. The southerly entrance is orientated to 12th Street. The nearest existing pedestrian access to the station is located at Anaheim Street, approximately 400 feet from the proposed station entrance.

City filed a Supplemental Application on March 19, 2004 to include recent changes to the construction drawings and to the schedule for completion of the proposed crossing. Stated in Appendix A attached to this order are the changes City made to the plans.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982), as stated in Public Resources Code Section 21000 et seq. The City's Planning Commission approved the project on April 17, 2003. City prepared a Notice of Determination (NOD) for this project pursuant to the provisions of CEQA on May 26, 2004. On May 27, 2004, City, in compliance with Section 21108 or 21152 of the Public Resources Code, filed the NOD with the Los Angeles County Clerk. The NOD found "the project will not have a significant effect on the environment." Mitigation measures were not made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

On April 17, 2003, City certified the Negative Declaration prepared for this project pursuant to the provisions of CEQA. On April 23, 2003, City signed the Certificate of Fee Exemption for this project. On May 2, 2003, City filed the Certificate of Fee Exemption with the Los Angeles County Clerk. A copy of the NOD and Certificate of Fee Exemption are included in Appendix B attached to this order.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. To comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

We reviewed and considered the lead agency's NOD and Negative Declaration and find them adequate for our decision-making purposes. Safety, transportation, and noise are within the scope of the Commission's permitting process. The NOD did not identify environmental impacts related to safety, transportation, and noise. The City reasonably concluded that the proposed crossing would not have a significant effect on the environment in the areas within the scope of our permitting process. Accordingly, we adopt the NOD and Negative Declaration for purposes of our project approval.

City stated that an at-grade crossing is the most financially and environmentally acceptable choice and is in keeping with the "open" concepts of light rail transit. Alternatives to an at-grade crossing include depressing the pedestrian crossing below the tracks, elevating the pedestrian crossing above the tracks on an overhead bridge or by changing the profile of the tracks to effect a grade separation. City determined that each of these alternatives for the subject crossing to be infeasible based on studies of existing and future vehicular and pedestrian traffic, of light rail traffic, of conflicts with utilities, of aesthetic considerations, of environmental requirements, of security requirements, of safety needs, and of financial resources.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) staff inspected the site of the proposed crossing. After reviewing the need for and the safety of the proposed crossing, RCES recommends that the Commission grant City's request.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3112, dated May 8, 2003, and published in the Commission Daily Calendar on May 9, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains correct. Given these developments, it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3112.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on May 5, 2003. There are no unresolved matters or protests; a public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct a pedestrian crossing on Long Beach Boulevard at 12th Street across the LRT tracks of MTA's Blue Line in Long Beach, Los Angeles County.

3. City filed a Supplemental Application on March 19, 2004, to include recent changes to the construction drawings and to the schedule for the completion of the proposed crossing. Stated in Appendix A attached to this order are the changes City made to the plans.

4. Public convenience and necessity require construction of the proposed crossing.

5. Public safety requires installation at the proposed crossing of traffic signals to govern movements of vehicles, light rail trains, and pedestrians through the proposed crossing. Light rail train movements through the proposed crossing will preempt pedestrian signals at the crossing.

6. City is the lead agency for this project under CEQA, as amended.

7. The City's Planning Commission approved the project on April 17, 2003. City prepared a NOD for this project pursuant to the provisions of CEQA on May 26, 2004. On May 27, 2004, City, in compliance with Section 21108 or 21152 of the Public Resources Code, filed the NOD with the Los Angeles County Clerk. The NOD found "the project will not have a significant effect on the environment." Mitigation measures were not made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

8. On April 17, 2003, City certified the Negative Declaration prepared for this project pursuant to the provisions of CEQA. On April 23, 2003, City signed the Certificate of Fee Exemption for this project. On May 2, 2003, City filed the Certificate of Fee Exemption with the Los Angeles County Clerk.

9. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's NOD and Negative Declaration.

10. The lead agency did not identify environmental impacts related to safety, transportation, and noise, which are within the scope of the Commission's permitting process.

Conclusions of Law

1. The Application is uncontested and a public hearing is not necessary.
2. The Application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. City of Long Beach Department of Public Works (City) is authorized to construct an at-grade pedestrian-rail crossing (crossing), identified as CPUC Crossing No. 84L-20.18-D, on Long Beach Boulevard at 12th Street across the light rail transit tracks of Los Angeles County Metropolitan Transportation Authority's (MTA) Los Angeles to Long Beach Metro Blue Line in Long Beach, Los Angeles County, at the location and substantially as described in the Application and the Supplemental Application.

2. City shall install, at the proposed crossing, signals for the movements of vehicles, light rail trains, and pedestrians through the proposed crossing. Light rail train movements through the proposed crossing shall preempt pedestrian signals at the crossing. City shall ensure that the proposed crossing includes all the items stated in Appendix A attached to this order.

3. City and MTA (parties) shall bear construction and maintenance costs in accordance with an agreement between the parties. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, City, in cooperation with MTA, shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify authorization if public convenience, necessity, or safety so require.

6. The Application is granted as set forth above.

7. Application 03-04-034 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A
ITEMS REFERENCED IN THE SUPPLEMENTAL APPLICATION

City of Long Beach Department of Public Works, as stated in Ordering Paragraph 2 of this order, shall ensure the completion of the following items prior to the opening of the crossing authorized by this decision:

- Install additional train signals at the crossing for direct and reverse running train operations.
- Remove the existing pull-gates at the south end of the station.
- Install State-approved detectable warning surfaces on the station side of both tracks.
- Remove the existing mountable curbs where the proposed crossing meets the existing raised median on the south side of the station to provide a smooth transition from the pedestrian crossing to the station entrance.
- Remove the existing “Do Not Cross” signs facing pedestrians crossing Long Beach Boulevard at 12th Street. Mark a pedestrian crosswalk only on the south side of the intersection of Long Beach Boulevard and 12th Street. To prevent pedestrians from crossing on the north side of the intersection, place, on the traffic signal poles situated on the north side of the intersection, “No Pedestrian Crossing” signs with arrows to direct pedestrians to the south side of the intersection.
- Place “No Wheelchair Access” signs at the southerly station entrance. Install signs at this entrance to direct wheelchair-bound individuals to the northerly wheelchair accessible (in compliance with the Americans With Disabilities Act) station entrance.

- Install two CPUC Standard No. 1-D (Pedestrian Railroad Crossing Signs, as defined in General Order 75-C) signs facing pedestrians approaching the station entrance.
- The proposed crossing will be 12 feet wide.
- Relocate the existing railroad at the southerly station entrance to line up with the proposed crossing.
- Install traffic signals for all directions at Long Beach Boulevard and 12th Street. Interconnect the new signals to the City's signal system, provide detection preemption, and grant priority to the light rail trains.
- Paint a train limit line on the north side of the intersection of Long Beach Boulevard and 12th Street.
- Install four "Walk/Don't Walk" pedestrian signals, one at each end of the two segments of the crosswalk. The rail detection circuitry will interconnect with and preempt these signals.
- Install four static "Look Both Ways" signs including train symbol signs under each pedestrian "Walk/Don't Walk" signal.
- Install one active light emitting diode illuminated train symbol sign (approximately 18-inches by 18-inches) facing pedestrians heading south from the station to the proposed crossing.

APPENDIX B
ENVIRONMENTAL DOCUMENTS

\$25.00 Filing Fee

ORIGINAL FILED

MAY 27 2004

LOS ANGELES, COUNTY CLERK

NOTICE OF DETERMINATION

TO: Office of Planning/Research
1400 Tenth St., Room 121
Sacramento, CA 95814

From: Dept. of Planning & Building
333 W. Ocean Blvd., 4th Floor
Long Beach, Ca 90802

☒ Office of the County Clerk
Environmental Filings
12400 E. Imperial Hwy., #1101
Norwalk, Ca 90650

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Light Rail Transit Related Improvements (ND-11-03)

Project Title	Lead Agency Contact Person	Area Code/Telephone
Anaheim Blue Station (Long Beach Boulevard and 12 th Street, Long Beach)	Ira Brown	(562) 570-5972

Project Description:

Remove pavement and install concrete pedestrian crossing with traffic signal at Metro train platform. This is a street improvement project only.

This is to advise that the Planning Commission has approved the above-described project on April 17, 2003 and has made the following determinations regarding the above-described project:

1. The project [___ will ___X___ will not] have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
Certified;
- ___X___ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
Certified: April 17, 2003
3. Mitigation Measures [___ were ___X___ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [___ was ___X___ was not] adopted for this project.
5. Findings [___X___ were ___ were not] made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration record of approval is available for review to the General Public at:
Department of Planning and Building, 333 W. Ocean Blvd., 4th Floor, Long Beach, CA 90802

Secretary

May 26, 2004

Date

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

FILED**MAY 02 2003**CONNY B. MCCORMACK, COUNTY CLERK
[Signature]
DEPUTY**RECEIVED****JUN 1 9 2003**Planning and Building Dept.
Community PlanningTo: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814From: Department of Planning & Building
Community & Environmental Planning
333 W. Ocean Boulevard, 4th Floor
Long Beach, CA 90802☒ Office of the County Clerk
Environmental Filings
12400 E. Imperial Hwy., #1101
Norwalk, CA 90650☒ ApplicantAnaheim Blue Station (Long Beach Boulevard and 12th Street), Long Beach, California
Project Title/LocationND-11-03Los Angeles**Project Number****County****Project Description:**Remove pavement and install concrete pedestrian crossing with traffic signal at Metro train platform. This is a street improvement project only.☐ An Environmental Impact Report has been prepared and certified for the project. Certified:☒ Negative Declaration has been prepared and certified for the Project. Certified: *April 17, 2003*☒ It is found and declared as a result of the Initial Study and Environmental report that there is no evidence before the Planning Commission that the project will have any potential for adverse effect individually or cumulatively on wildlife resources, and that the project is therefore exempt from the California Department of Fish and Game fee.Wildlife shall be defined, for the purpose of this process as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability."
(Section 711.2, Fish and Game Code.)**Certification:**

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

[Signature]
SecretaryApril 23, 2003**Date****Lead Agency: Planning Commission**

02 0005298

THIS NOTICE WAS POSTED
ON MAY 02 2003
UNTIL JUN 03 2003
REGISTRAR-RECORDER/COUNTY CLERK